



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

June 29, 2010

Via Electronic Mail and
Certified Mail, Return Receipt Requested

Jennifer Benaman
Anchor QEA, LLC
80 Glen Street, Suite 2
Glens Falls, NY 12801

Re: Hudson River PCBs Superfund Site
Disclosure of Model Code to EPA Consultants

Dear Jennifer:

I am writing as a follow-up to recent discussions between EPA and General Electric Company regarding EPA's disclosure to its consultants and to the U.S. Army Corps of Engineers (Corps) of the model code that Anchor QEA, LLC (AQ) submitted to EPA by cover letter dated June 8, 2010, with regard to the Hudson River PCBs Site. AQ's cover letter states that "information related to the model Fortran code that is provided on the associated hard drive constitutes Confidential Business Information," or "CBI."

EPA requests AQ's consent to the disclosure of the information claimed as CBI by AQ to The Louis Berger Group, Inc. (Berger), Limno-Tech Inc. (LTI), and the Corps pursuant to 40 C.F.R. § 2.209(f). The Corps, Berger and LTI will review AQ's model code on behalf of EPA. The Corps, Berger and LTI agree with the substance of AQ's conditions on disclosure of the model code as set forth in Sam Gutter's June 18, 2010, email message to Douglas Fischer re: "Disclosure of CBI to LimnoTech and the Corps," as follows:

AQ will consent to the disclosure provided that EPA gets agreement from LimnoTech and the Corps they will use the CBI only for the purpose of carrying out the work required by their contracts with EPA, and will not use the CBI for any contract or purpose other than to support EPA's analysis and evaluation of dredging in the Upper Hudson River.

If AQ consents to disclosure of the Fortran Code to the Corps, Berger and LTI, this letter also confirms our request for AQ to send copies of the model Fortran code directly to the representatives of the Corps, Berger and LTI identified on the attached list of addressees.

Please note that EPA has not made a determination pursuant to 40 C.F.R. Part 2, Subpart B, with regard to the confidentiality of the information covered by AQ's CBI claim.

We will notify you if EPA wishes to request AQ's consent to disclose information related to the model Fortran code to any additional firms that will assist EPA in its review of the model.

Please feel free to call me at (212) 637-4288 if you have any questions, or have Sheri Moreno or Sam Gutter contact Doug Fischer.

Sincerely,

A handwritten signature in dark ink, appearing to read "Doug", followed by a long horizontal flourish.

Doug Garbarini, Chief
New York Remediation Branch

cc: Bob Pender, USACE
John Connolly, AQ
John Haggard, GE
Sheri Moreno, GE ✓

June 29, 2010, Correspondence from Doug Garbarini to Jennifer Benaman

List of Addressees

The Louis Berger Group, Inc.
Attn: Bruce Fidler
412 Mount Kemble Avenue
Morristown, NJ 07962

Vic Bierman
Limno-Tech, Inc.
8320 West Harrell Road
Oak Ridge, NC 27310-9785

Earl Hayter, U.S. Army Corps of Engineers
c/o Clemson University
302A Lowry Hall
Clemson, SC 29634

Scott Hinz
Limno-Tech, Inc.
4008 Greystone Drive
Austin, TX 78731-2110

John Wolfe
Limno-Tech, Inc.
501 Avis Drive
Ann Arbor, MI 48108

